

Agency Strategic Plan

Department of Labor and Industry

Agency Mission, Vision, and Values

Mission Statement:

It is the mission of the Virginia Department of Labor and Industry to make Virginia a better place in which to work, live and conduct business. We will achieve this goal by promoting safe, healthful workplaces, best employment practices, job training opportunities through registered apprenticeship, the protection of children from hazardous employment, and safe operation of boiler and pressure vessel devices.

Agency Vision:

The Department of Labor and Industry will be a top-rated service agency whose staff are technically qualified to deliver promotional, preventive, regulatory, and response programs to those who work, live and conduct business in the Commonwealth. We will work in partnership with Virginia employers, employees, and other interested parties to make Virginia workplaces the best in the nation. Our customers will describe us as genuinely caring experts who promptly and competently address their concerns.

Agency Values:

- **Performing our duties honestly and with integrity**
Performing our duties honestly and with integrity, which emphasizes such principles as telling the truth in a way that is tactful, acting in an ethical manner in all financial matters, and demonstrating a reasonable consistency in interpersonal interactions. This value emphasizes our belief that we are also obligated to be as accurate as possible.
- **Serving the public responsively, fairly, and respectfully**
Serving the public responsively, fairly, and respectfully, which emphasizes such principles as responding with courtesy, empathy and compassion, as well as responding efficiently, promptly and with attentiveness to detail. This value emphasizes our belief that we serve those who work, live, and conduct business in Virginia.
- **Respecting the Department's 107 years of tradition**
Respecting the Department's 107 years of tradition, which emphasizes such principles as upholding and maintaining our agency's history of integrity and ethical standards.
- **Meeting the requirements of state and federal law in a professional and competent manner**
Meeting the requirements of state and federal law in a professional and competent manner, which emphasizes such principles as fulfilling our roles as technical experts, providing clear and correct information, answering each inquiry and complaint courteously, knowledgeably, and promptly, with attentiveness to each customer's concerns.
- **Staying ahead of trends in employee safety, apprenticeship training, boiler regulation, and labor law**
Staying ahead of trends in employee safety, apprenticeship training, boiler regulation, and labor law, which emphasizes such principles as working proactively to be informed about current business and employment trends, creatively improving the efficiency and effectiveness of our programs, and learning innovative approaches that will improve our programs.
- **Maintaining professional excellence among our staff**
Maintaining professional excellence among our staff, which emphasizes such principles as ongoing training, encouraging the pursuit of professional excellence, and creating an environment that fosters teamwork.
- **Working constantly to build stronger customer relations**
Working constantly to build stronger customer relations, which emphasizes such principles as developing partnerships and collaborative strategies that will enhance the overall effectiveness of our services.
- **Believing that our work benefits others**
Believing that our work benefits others, which emphasizes such principles as keeping workers safe, protecting children from hazardous employment, ensuring that workers are paid for work they have done,

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training skilled workers, providing clear, accurate information on technical matters, and protecting honest employers from false allegations of nonpayment of wages.

- **Being innovative and creative**

Being innovative and creative, which emphasizes such principles as providing the highest quality of service to our customers and continually striving to further improve the quality of service that we provide to our customers.

- **Demonstrating the organization's principles and values in all activities, services, and decisions of the agency**

Demonstrating the organization's principles and values in all activities, services, and decisions of the agency, which emphasizes such principles as honesty, integrity, behavior that is financially ethical, respect for others, courtesy, competence, attention to detail, accuracy, innovation, creativity, professional excellence, and ongoing training.

Agency Executive Progress Report

Current Service Performance

The Management Scorecard rates agency performance in the areas of Human Resources, Financial Management and Budget Reform, Government Procurement, Technology, and Performance Management. There are three possible scores on the Management Scorecard – Meets Expectations; Progress toward Expectations or Below Expectations. Agency meets expectations in all areas.

The Agency reports performance of its core business and statutory responsibilities in Virginia Results. An evaluation audit of measures and performance data found that information was reported timely and accurately. The Agency's success in fulfilling its mission to customers and stakeholders is reported in the Virginia Results data.

Customer satisfaction is monitored by a variety of means, including:

- Customer feedback through Virginia Regulatory Town Hall actions;
- Customer comments and letters after regulatory or consultative actions;
- Customer comments at public briefings;
- Letters to the agency or political officials;
- Comments received directly by federal oversight agencies; and
- Agency Homepage/Website customer survey

BOILER AND PRESSURE VESSEL SAFETY SERVICES: The number of boiler and pressure vessel safety inspections under the agency's jurisdiction that annually receive operational certificates has steadily increased. These inspections help ensure the safe operation of boiler and pressure vessel equipment at the workplace, apartments, churches, schools, gasoline stations, and other areas where citizens work, shop, live, and visit.

REGISTERED APPRENTICESHIP PROGRAM: Demand for workers in skilled occupations is high. Registered Apprenticeship (RA) is addressing this demand. The number of apprentices and sponsors participating in Virginia's Registered Apprenticeship Program has increased. The Registered Apprenticeship Program is a contributor to economic growth and low unemployment.

VIRGINIA OCCUPATIONAL SAFETY AND HEALTH SERVICES/ASBESTOS AND LEAD SAFETY SERVICES: These programs promote a safe and healthy work environment for Virginia's workers and

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businesses through enforcement and corrective actions; training and prevention reviews; and other programs to make Virginia a safe place to work and operate a business. In fiscal year 2004, there were increases in the number of employers and small businesses who participated in workplace and worker protection programs, while, at the same time, the agency reduced the response time to initiate investigations or conduct an on-site inspection.

LABOR LAW SERVICES: During the last calendar year, 12,831 minors worked under employment, age and theatrical certificates and permits issued by the Labor Law Division. The Division returned 222 certificates for errors or noncompliance; of those 126 certificates were revoked and the remaining documents were corrected and issued. In addition, annually, the Division assists, instructs, supervises and provides supplies to over 1,500 Issuing Officers across the Commonwealth, who are charged with issuing properly executed employment certificates to minors 14 and 15 years of age.

The Labor and Employment Law staff responds to thousands of telephone and Internet inquiries each year from employers, employees and other interested persons requesting information and literature concerning labor laws and related matters.

ADMINISTRATIVE AND SUPPORT SERVICES: DOLI continues to enhance its electronic media and Homepage (www.doli.virginia.gov) in order for customers to have greater access to agency information and services.

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Productivity

The Department currently has an operational budget of approximately \$12.1 million dollars, with 180 FTEs. Funding and FTE support for the Agency's programs has declined despite increased demand for Agency services.

The Commonwealth of Virginia's Department of Labor and Industry is proud of its strategic productivity accomplishments providing program services for public safety and job development in Virginia's diverse work place environments, businesses and industries and their respective employment bases. With essential staffing only and the agency commitment to excellent service to our client base, we continue to plan, stimulate, and encourage workplace safety and economic development; promote job opportunities through viable Registered Apprenticeship programs; reduce worker fatalities and workplace injuries (which reduces worker's compensation costs and lost worker productivity); resolve unpaid wage issues; and reduce the likelihood of boiler explosions through a safety permitting program. We measure the success of our productivity through annual comparative analysis and personnel evaluations and an ongoing client base responsiveness.

DOLI constantly works to enhance its quality of service to the public. Productivity for the Agency has remained high due to the hard work and dedication of Department of Labor and Industry employees, who believe in our Agency's mission to make Virginia a better place to live, work, and operate a business.

Productivity has improved through:

- Improved use of technology and technical advances;
- Development of strategic partnerships in all programs;
- Realignment of region boundaries;
- Streamlining processes to achieve delivery of services in the barest minimum time;
- Increased access to the Agency's program information through web technology;
- Establishing uniform performance goals; and
- Establishing an in-house registered apprenticeship program for VOSH inspectors.

During the strong economic growth and expansion that occurred during the 1990s, there was virtually no growth in funding for DOLI programs. However, the Agency shared in the statewide budget cuts that have occurred during the current decade. FTE (full time equivalents) have declined from 227 to 180. Federal funds have been lost due to a lack of matching state dollars. Budget allocations for technology, staff training and development, and competitive salaries have not kept pace with rising costs, and have been virtually eliminated. Failure to retain the permit fees collected by the Boiler and Pressure Vessel program has prevented this program from investing in needed technology and will further curtail future advancements.

With continuing increases in the numbers of employers and employees (both English and non-English speaking), the Department will need more money simply to maintain the current level of services. There is a need for more state funding to match existing federal dollars, and increased funding for technology solutions, as well as a need for funds for other programs where a positive return on investment would be expected.

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Major Initiatives and Related Progress

Agency staff and resources are directed to mission critical areas involving safe workplaces; safe operation of high pressure devices; protecting children from exposure to hazardous work; fair payment of wage practices; addressing shortages in the skilled workforce; and, implementing best practices as custodians of public funding. Highlights are:

- There have been increases in registered boiler and pressure vessels to record numbers.
- The growing economy and worker shortages have resulted in an increase in interest and participation in Registered Apprenticeship programs. The growth rate for registered apprentices in FY 2004 was 7.5%. In addition, the number of registered apprenticeship sponsors has increased.
- The VOSH program continues to promote and certify new participants in Virginia's Cooperative Safety and Health Programs. These include both small and large businesses that maintain exemplary work place safety programs. Seventeen (17) new certifications were approved in FY 2005.
- A payment of wage initiative in the Labor Law program has been established for speedier payment resolution for certain selected complaints.
- Through intense agency efforts to ensure safe worksites, workplace injuries and illnesses in the high-hazard construction industry have decreased.
- An initiative is underway to provide an increase in training and education services for Work Permit Issuing Officers who issue work permits to children. The objective is to eliminate permits issued for children working in hazardous occupations by providing review and assessment to all work permit issuing officers who had inappropriately issued a work permit.
- Construction activities in the state continue to expand. As a result, the number of employees in construction activities has grown. An emphasis has been placed on reducing fatalities in the construction industry, by focusing on the four leading causes of fatalities: falls, struck-by, crushed-by, and electrocutions/electrical injuries.
- The Agency has established an apprenticeship program in the VOSH program to attract and retain qualified safety and health personnel. To date, five (5) positions have been filled.
- 94% of worker safety and health complaint investigations are initiated within one day, or an on-site inspection is conducted within five business days.
- The agency has expanded outreach opportunities and recruitment to the Hispanic community using public service radio announcements.
- The agency has utilized technology and electronic media to extend program accessibility via the Internet. Made on-going enhancements and updates to agency website www.doli.virginia.gov. which included user feedback form, search feature, downloadable forms, current events, and important Internet links. Maintained public accessibility to regulatory process via Regulatory Town Hall website: www.townhall.state.va.us.

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Virginia Ranking and Trends

- Agency's 2004 Management Scorecard evaluation received highest level of attainment for its administrative programs.
- Outstanding Safety Achievement Award for safe driving, presented in 2005.
- Agency employees received Governor's Healthy Virginian Award for efforts to improve health at the workplace.
- Recipient of Certificate of Appreciation from AARP Foundation for promoting employment opportunities for older persons.
- Boiler Safety has been recognized by the Executive Director of the National Board of Boiler and Pressure Vessel Inspectors for its support of Virginia Boiler and Pressure Vessel Inspectors Association - a non-profit organization comprised of inspectors, owners, boiler operators and repair companies interested in maintaining and increasing their knowledge of boilers and pressure vessels.
- Section 18 of the Occupational Safety and Health Act of 1970 (the Act) encourages States to develop and operate their own job safety and health programs. OSHA approves and monitors State plans. Virginia is one of 22 States and jurisdictions which operates its own State Plan. The ultimate accreditation of a state's plan is called final approval. When OSHA grants final approval to a state under section 18 (e) of the Act, it relinquishes its authority to cover occupational safety and health matters covered by the state.
- DOLI is recognized by the United States Secretary of Labor as the official apprenticeship agency for federal apprenticeship purposes and serves as the registration agency for apprentices and programs. This recognition is detailed in the Code of Federal Regulations, Title 29, Part 29.
- The VOSH Program hosted national conferences of the Occupational Safety and Health State Plan Association (OSHSPA) and the State OSHA Lawyer Organization (SOLO) February 8-9, 2005, in Williamsburg. OSHSPA is an organization that consists of the 26 states and territories that run their own occupational safety and health programs through grants with the U. S. Department of Labor. SOLO consists of attorneys that work for the State OSHA programs. Representatives from federal OSHA from around the country and representatives from the U. S. Department of Labor's Solicitor's Office also attended the meeting. Approximately 125 people attended the meetings.

Customer Trends and Coverage

- Contruction in the Commonwealth continues to increase.
- Service industries are increasing, while manufacturing in the Commonwealth has declined.
- Numbers of employees and employers are increasing.
- Demand for skilled workers exceeds supply.
- Increases in multi-lingual customers, and non-English speaking customers.
- Changes in Congress and the U.S. Department of Labor have created expectations of a more partnership-oriented Occupational Safety and Health program.

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Future Direction, Expectations, and Priorities

The Agency envisions several trends which will have a major impact on the products and services which we provide. First of all Virginia's economy is expanding and the population is growing. Virginia's economy is increasingly affected by globalization. In addition, technology continues to advance and expand.

The expanding economy will engender the creation of many new businesses, particularly small businesses. Globalization will afford new markets to the businesses served by the agency.

Both globalization and the growth of the population in general will affect the workforce and employers in Virginia. We expect to see a larger percentage of youth and older workers in the workforce. We also expect to see ever-increasing numbers of non-English speakers, both as employees and as employers.

Advances in technology, as well as the globalization of the economy and the workforce, will engender ever more complex definitions of what it means to "work in Virginia."

Impediments

The Agency is already experiencing a need for bilingual employees, especially employees who speak Spanish. The recent trend in Virginia has been an increase in numbers of employers and employees who do not speak English or who are not able to read and write English. We are already lacking the number of bilingual employees that are needed.

Customer assistance requests and inquiries are expected to increase as the economy continues to grow. The Agency already responds to many assistance requests and inquiries per year. Inquiries and requests made via the internet are increasing. The Agency must have up-to-date information technology to continue to be responsive to these assistance requests and inquiries.

The Agency must use outdated technology from federal OSHA that must be adapted and used. In addition, state and agency technology resources are aging, and, in many cases, they are obsolete.

The Agency is facing large employee turnover of experienced staff as older public servants reach retirement age, and a smaller pool of younger, qualified workers is available to fill vacant positions.

The Agency is facing severe salary compression. Rising incomes in the private sector have already made it difficult to recruit and retain the highly skilled employees who are needed in the Agency. Noncompetitive salaries contribute to low staff retention and decreased productivity.

Agency Background Information

Statutory Authority

- The Code of Virginia, Chapter 1 of Title 40.1, provides for the establishment of the Department of Labor and Industry and establishes the authority of the Commissioner.
- The Code of Virginia, Chapter 1 of Title 40.1, at subsection 5 of § 40.1-6, authorizes the Commissioner "to appoint such representatives as may be necessary to aid him in his work; their duties shall be prescribed by the Commissioner."
- The Code of Virginia, Chapter 3 of Title 40.1, provides for the protection of employees. This chapter includes the Virginia Minimum Wage Act (§§ 40.1-28.8 to 40.1-28.12), assignment of wages and sale of merchandise to employees (§§ 40.1-29 to 40.1-33), equal pay irrespective of sex (§ 40.1-28.6), preventing employment by others of

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former employees (§ 40.1-27), discharge of employee for absence due to work-related injury prohibited (§ 40.1-27.1), unlawful to require payment for medical examination as condition of employment (§ 40.1-28), prohibition of use of certain questions on polygraph tests for employment (§ 40.1-51.4:3), and prohibition of use of polygraphs in certain employment situations (§ 40.1-51.4:4).

- The Code of Virginia, Chapter 3.1 of Title 40.1, known as the Boiler and Pressure Vessel Safety Act, establishes the minimum requirements for the construction, installation, maintenance and inspection of boiler and pressure vessels. It also provides for the certification of boiler inspectors, owner/user inspection agencies and private contract fee inspectors.
- The Code of Virginia, Chapter 3.2 of Title 40.1 (§§ 40.1-51.20 through 40.1-51.22), establishes the Asbestos and Lead Notification Program as part of a larger program requiring licensing and certification of asbestos and lead contractors and workers by the Department of Professional and Occupational Regulation (DPOR) (§§ 54.1-500 through 54.1-517). The statute requires issuance of permits for removal contractors and inspection of each removal, installation or encapsulation project.
- The Code of Virginia, Chapter 3.3 of Title 40.1 (§§ 40.1-51.23 through 40.1-51.41), known as the Virginia Asbestos NESHAP Act, establishes the requirements for asbestos contractors to protect the general public and the environment from asbestos emissions during renovation and demolition activities.
- The Code of Virginia, Chapter 4 of Title 40.1, governs various aspects of employment including certain actions of labor unions (§§ 40.1-52 to 40.1-54.2), strikes by government employees (§§ 40.1-55 to 40.1-57.1), collective bargaining for governmental employees (§§ 40.1-57.2 to 40.1-57.3), denial of abridgement of right to work (§§ 40.1-58 to 40.1-69), and mediation and conciliation of labor disputes (§§ 40.1-70 to 40.1-75).
- The Code of Virginia, Chapter 5 of Title 40.1, governs all aspects of child labor. It establishes the minimum age for children to work in certain occupations, the hours of work for children, and the conditions of employment of children on farms, in gardens, and in orchards.
- Chapter 6 of Title 40.1 of the Virginia Code, known as the Voluntary Apprenticeship Act, provides the minimum requirements for apprenticeship programs. Section 40.1-125 of the Code of Virginia requires the Commissioner of Labor and Industry, with the advice and guidance of the Apprenticeship Council, to administer the provisions of the Voluntary Apprenticeship Act. Responsibility for implementing and administering voluntary apprenticeship in Virginia has been delegated by the U.S. Department of Labor (USDOL) Bureau of Apprenticeship and Training (BAT) to the state. The USDOL regulation, 29 CFR Part 29, "Labor Standards for the Registration of Apprenticeship Programs," requires the state program to have a State Apprenticeship Council with an "acceptable composition;" the state program to be established in the State Department of Labor or in that agency of state government having jurisdiction of laws and regulations governing wages, hours and working conditions; and the state agency presently recognized by BAT to have a state official empowered to direct the apprenticeship operation.
- The Virginia Apprenticeship Council is recognized as the regulatory and policy board for the program by the Code of Virginia, at §§ 40.1-117 to 40.1-118. The Council is authorized to promulgate regulations to govern apprenticeship agreements and deregistration procedures, and to establish standards.
- The Code of Virginia, at §§ 40.1-119 through 40.1-126, provides the foundation for the development of apprenticeship programs and sponsors in the Commonwealth. The apprenticeship program within DOLI implements the regulations established by the Council.
- 29 USC § 50, known as the Fitzgerald Act, is the federal statute which authorizes the U. S. Secretary of Labor to formulate and promote labor standards to safeguard the welfare of apprentices and to cooperate with the States in the promotion of such standards.

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- The Code of Virginia, at § 40.1-22 through 40.1-51.4:5, authorizes the Virginia Occupational Safety and Health (VOSH) Program. The Virginia Safety and Health Codes Board is established by the Code of Virginia, at § 40.1-22, as the regulatory and policy board for the Virginia Occupational Safety and Health Program, the Asbestos and Lead Notification Safety Program, and the Boiler and Pressure Vessel Safety Program. The Board is authorized to establish regulations governing occupational safety and health, the asbestos and lead safety program, and the construction, installation, maintenance, and inspection of boiler and pressure vessels.
- The responsibilities of the Virginia Occupational Safety and Health (VOSH) Program are provided in the Code of Virginia, at §§ 40.1-1, 40.1-2, 40.1-3, 40.1-6, and §§ 40.1-49.3 through 40.1-51.4:2. Although Virginia is not mandated by Federal law or regulation to have an occupational safety and health program, responsibility in Virginia has been delegated by the U. S. Department of Labor (USDOL) Occupational Safety and Health Administration (OSHA) to the state through the Virginia State Plan.
- The Code of Virginia, at § 15.2-910, provides that a local government may adopt an ordinance requiring boiler operators to obtain a certificate from the local governing body. This section directs the Safety and Health Codes Board to establish standards to be used in determining an applicant's ability, proficiency, and qualifications.
- The Code of Virginia, §§ 59.1-406 through 59.1-414, known as the Overhead High Voltage Line Safety Act, promotes the safety and protection of a person or persons engaged in work or activity in the vicinity of overhead high voltage lines.
- The federal Occupational Safety and Health Act of 1970 requires federal OSHA to enforce its regulations throughout the country, except in states that apply for and receive approval of a State Plan for occupational safety and health. Virginia received its approval as a State Plan state in 1988. The requirements for a State Plan are found in Section 18 of the federal Occupational Safety and Health Act of 1970 and in federal regulation 29 CFR 1902, entitled "State Plans for the Development and Enforcement of State Standards."
- Section 18(c)(7) of the Occupational Safety and Health Act of 1970, and federal regulation 29 CFR 1902.3(k), requires states implementing their own occupational safety and health program to ensure that employers covered by the program will maintain records and make reports to the USDOL's Assistant Secretary for Occupational Safety and Health containing statistical information pertaining to work related deaths, injuries and illnesses. This law and regulation authorize Virginia to conduct the "Annual Survey of Occupational Injuries and Illnesses" and the "Census of Fatal Occupational Injuries."

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Customer Base:

Customer Description	Served	Potential
Agency Vendors	144	160,000
Apprentices	12,299	13,037
Asbestos and Lead Abatement Contractors	320	320
Asbestos and Lead Abatement Workers	3,501	3,501
Attorneys	2,300	26,278
Employees	3,598,669	3,598,669
Employer Sponsors	2,056	2,179
Employers	209,903	209,903
Governmental Entities	465	465
Inspection Companies	23	27
Issuing Officers	1,500	1,500
Labor Organizations	75	75
Minors working in Virginia	15,000	484,000
News Organizations	2,600	2,600
Non-English Speaking Media Organizations	1	10
Owners/Users of boilers and pressure vessels	25,000	40,000
Parents	15,000	484,000
Potential Vendors and SWAM Contacts	38	38
Public	0	0
Related Instruction Coordinators	16	16
Safety and Health Codes Board	1	1
Virginia Apprenticeship Council	1	1
Volunteer Organizations	1	1

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Anticipated Changes In Agency Customer Base:

In general, the customer base is expanding due to increases in Hispanic workers; workers facing career changes due to layoffs and factory closures; and fluctuations due to unemployment trends.

Virginia will experience a growth in numbers of employees and business establishments. The rate of occupational injuries and illnesses increases as a strong economy draws more new and inexperienced workers into the labor force. DOLI will assist as many businesses as possible in the establishment of safe workplace programs; and will also respond to compliance issues where worker safety and health is compromised or breached.

Business startup and failures have the tendency to increase inquiries and service demands in areas involving labor and employment law. In addition, participants in mediation of worker/employer wage issues is increasing.

Employer and business participation in Voluntary Prevention programs will continue to increase. Safer workplaces result in a reduction in lost workday injury (LWDI) rates, the number of violations per inspection and a reduction in the number of fatalities, while reducing the reliance on VOSH inspection activities.

Customers will demand more access to programmatic information and compliance guidelines. Knowledge and understanding of the requirements and responsibilities under Virginia's occupational safety and health laws by employees, the public, labor unions, employers and employer groups will increase. Training and education programs have been demonstrated to save lives and reduce workplace injuries, thus reducing the negative impact on productivity.

The recent economic growth and low unemployment have produced shortages of skilled labor which provide the opportunity for the Agency to improve the supply of skilled trades workers through the Registered Apprenticeship program. The result is a greater awareness of apprenticeship as a career choice.

Improved operational efficiencies and identification of uninspected equipment will increase the number of boiler operator customers and insurance companies served by the boiler and pressure vessel program.

Homeland security issues and concerns will impact safe workplace issues and other labor and employment concerns.

The level of technology in state government is improving. This can provide an opportunity for the Department to share information and work effectively with other entities to improve productivity and customer service to businesses and workers.

Small, women, and minority (SWAM) owned vendor participation will increase as state encourages greater utilization of SWAM businesses.

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Agency Products and Services:

Current Products and Services

APPRENTICESHIP PROGRAM

- Offering Career Choice Options - Promotion of Registered Apprenticeship as an effective way to train a skilled workforce. Providing assistance to employers interested in training a skilled workforce through Registered Apprenticeship.
- Registered Apprenticeship Agreements - Reviewing and approving apprenticeship agreements. Maintaining and documenting apprenticeship agreements. Terminating or canceling apprenticeship agreements when appropriate.
- Certificates - Monitoring apprenticeship progress and issuing Certificates of Completion of Registered Apprenticeship.
- Sponsor Evaluations - Conducting Sponsor Program Evaluations pursuant to procedures and criteria established by the Virginia Apprenticeship Council.
- EEO Reviews - Conducting Equal Employment Compliance Reviews under the authority of the Commonwealth of Virginia Voluntary Apprenticeship Act.

LABOR LAW SERVICES

- Inspection and Enforcement - Thorough and consistent inspection and enforcement of the laws and regulations governing child labor. Assessing corporate or individual responsibility as appropriate. Investigating complaints of violations of child labor or payment of wage laws.
- Permitting - Training, assisting and providing oversight to officials of local schools who issue permits for 14 and 15 year olds who are to be employed. Providing supplies to issuing officers. Issuing theatrical and solicitation permits for minors.
- Hearings and Conferences - Initiating informal conferences to settle disputes between employers and employees regarding wages. Planning, setting and providing notice of administrative hearings in payment of wage cases. Under authorization of Office of the Attorney General (OAG), lawsuits are filed in General District Court in payment of wage cases. As approved by the OAG, litigating child labor cases and criminal matters regarding payment of wages.

VIRGINIA OCCUPATIONAL SAFETY AND HEALTH SERVICES

- Inspection and Enforcement - Consistent application of occupational safety and health laws and regulations through effective and efficient enforcement inspections of work-related accidents, fatalities, imminent danger situations, employee complaints, referrals from other government agencies and planned inspections in general industry, construction and agriculture in both the public and private sectors, with the exception of employers in federal enclaves or those covered by federal agencies under § 4(b)(1) of the OSH Act of 1970, and assuring compliance with the Virginia Overhead High Voltage Line Safety Act.
- Consultation, outreach, and compliance assistance services - Safety and health consultation to private and public sector employers with priority given to high hazard companies with 250 or fewer employees.

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Certification of qualified high hazard companies with 250 employees or less as SHARP (Safety and Health Achievement Recognition Program) sites. Operation of the Voluntary Protection Program (VPP) to recognize and promote effective occupational safety and health management. Certification of qualified companies as STAR and MERIT worksites under the VPP program. Customer services, such as providing training/technical assistance to employers and employees, and coordinating the annual Virginia Occupational Safety and Health Conference regularly attended by 300-400 safety and health professionals, employers and employees.

- Regulatory development - Regulatory development to establish minimum occupational safety and health requirements for employees and employers and providing staff support to the Virginia Safety and Health Codes Board.
- Data collection - Conducting the Annual Survey of Occupational Injuries and Illnesses and the Census of Fatal Occupational Injuries (CFOI) under cooperative agreements with the US Bureau of Labor Statistics, and participating in the OSHA Data Initiative in high hazard industries.
- Legal Support - Under the guidance and direction of the Office of the Attorney General, legal support is provided to the VOSH compliance divisions in the following areas: obtaining settlement of or litigating VOSH contested cases that cannot be settled at the Regional Office level; pre-citation review of significant cases (primarily fatality, willful and criminal cases); obtaining warrants when an employer denies a VOSH compliance officer access to work sites; handling subpoenas for Department personnel and records; and processing Freedom of Information Act (FOIA) requests.

ASBESTOS AND LEAD SAFETY SERVICES

- Customer service by providing technical assistance.
- Issuance of asbestos and lead project permits to abatement contractors.
- Conducting an on-site unannounced inspection of each asbestos and lead removal contractor at least once a year.
- Assurance of contractor adherence to the National Emission Standard for Hazardous Air Pollutants (NESHAP) to protect the general public and the environment from asbestos emissions during renovation and demolition activities.
- Assurance of safe work practices during installation, removal, and encapsulation of asbestos and lead.
- Regulatory development to establish minimum requirements for worker and public safety during installation, removal, and encapsulation of asbestos and lead.
- Economic development support through helping ensure older buildings can be safely rehabilitated by the removal of asbestos and lead.

BOILER AND PRESSURE VESSEL SAFETY SERVICES

- Customer assistance - State Boiler Inspectors obtain lists of companies and organizations in focused areas of apartment buildings and automobile related services and make compliance visits to initially educate the owners/users about Virginia laws regarding boilers and pressure vessels. Boiler staff assist

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customers in maintaining current Certificates, finding Inspectors, and otherwise maintaining safe boilers and pressure vessels in compliance with regulatory requirements.

- Inspection and enforcement - Thorough and consistent inspection and enforcement of laws and regulations regarding the construction, installation, operation, and repair of boilers and pressure vessels. Assessing hazards and unsafe conditions and assuring timely corrective actions. Investigation of accidents and complaints. Civil penalty assessment. Inspection, enforcement and services staff assist customers in maintaining safe boilers and pressure vessels in compliance with regulatory requirements.

- Certification - Certification of persons performing inspections of boilers and pressure vessels. Inspector certification services assure persons performing specialized tasks are qualified and maintain high standards of technical competency. Certification of boilers and pressure vessels at an established frequency assure that they are safe to operate and are in compliance with laws and regulations.

ADMINISTRATIVE AND SUPPORT SERVICES

- Executive Management, Control, and Oversight
- Planning and Resource Allocation
- Legislative Liaison
- Internal Risk Management and Mitigation
- Supply Chain Management
- Information and Technology Management
- Human Resource Management
- Financial Management
- Administrative Management
- Regulatory Development
- Public Affairs
- Revenue Collections

Factors Impacting Agency Products and Services

APPRENTICESHIP PROGRAM

Demand for skilled workers is extremely high and will continue to grow as the economy expands. The Agency anticipates that the number of non-English speaking customers will increase. The Agency anticipates that the increasing globalization of the economy will affect the types and numbers of employees needing skills training.

LABOR LAW SERVICES

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The Agency anticipates that the number of non-English speaking employees and employers will increase, necessitating the use of interpreters or the training of DOLI staff to speak other languages, particularly Spanish.

The Agency anticipates that increasing globalization and an improving economy will result in the creation of more small businesses, whose owners cannot afford to hire an attorney. At present, many small business owners contact DOLI's Labor and Employment Law Division with inquiries concerning labor and employment law issues. We anticipate that the numbers of these inquiries will increase.

The Agency anticipates that, as technology continues to advance, more inquiries will be received via the internet.

The Agency anticipates a continuing need to provide high-quality training for the officials of local schools who issue permits for 14 and 15 year olds who are to be employed.

The Agency anticipates that the aging agency workforce and rising incomes in the private sector will make it more and more difficult to recruit and retain the highly skilled employees who are needed to staff the Labor and Employment Law Division.

VIRGINIA OCCUPATIONAL SAFETY AND HEALTH SERVICES

- Full automation of the Virginia Courts Case Information System, which enables the Office of Legal Services (OLS) to check online the status of VOSH cases in litigation in the Circuit Courts of Virginia, will enhance OLS's ability to assure that litigation is initiated for VOSH contested cases within the Department's stated goal of one year from the citation issuance date (several major local jurisdictions such as Fairfax County have not yet been added to the online system).
- Changes in information technology systems at the federal level.
- Agency funding for occupational safety and health is tied to the federal appropriations process.
- Increasing globalization and evolving technologies, combined with a growing number of non-English speaking customers, will necessitate enhancements and modifications to products and services.
- Judicial decisions impact VOSH program operations, as well as continued State Plan status.
- Litigation of contested VOSH cases occurs at the local level in Virginia's court system.

ASBESTOS AND LEAD SAFETY SERVICES

- The number of asbestos and lead abatement notifications received.

BOILER AND PRESSURE VESSEL SAFETY SERVICES

- The economy is expected to continue to grow.
- The implementation of a recent law change that allows State Inspectors to perform limited inspections of boilers and pressure vessels that are 91 days past due.

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- Continued growth of inspection companies reporting inspections electronically.
- More customers that are less fluent in English will impact the delivery of services.

ADMINISTRATIVE AND SUPPORT SERVICES

There has been a marked increase in the number of non-English speaking customers, both employers and employees. Additionally many employees and employers may speak some English but are not proficient in reading English. The agency has made an effort to hire staff who can speak other languages. The Agency has also printed many of the informational posters and brochures in Spanish. There is a need to expand this effort to other languages.

The Agency will experience a huge employee turnover of experienced staff as older public servants retire. Noncompetitive salaries and inadequate resources for staff training/development programs contribute to low staff retention and decreased productivity.

State and Agency technology resources are aging, and, in many cases, obsolete. Current IT transformation initiatives include an IT infrastructure outsourcing contract and an enterprise application track for central state accounting, budgeting, human resources, procurement, and other enterprise programs such as permitting and licensing.

Maintenance and continued utilization of OSHA's Integrated Management Information Systems (IMIS) and Compliance Safety and Health Officer (CSHO) IT systems and technology are contingent upon federal funding and support at both state and federal levels.

Central Agency requirements will continue to impact Agency IT systems and agency processing procedures.

Additional state requirements are being implemented related to a more structured approach governing agency internal control responsibilities. This will involve new administrative policies and procedures, agency risk assessment tools, agency internal control checklists and questionnaires, and mandatory training programs. Also, central agency review process will be revised to review agency internal control performance measures.

Anticipated Changes in Agency Products and Services

APPRENTICESHIP PROGRAM

Products and services will be adapted to meet the changing needs of the expanding economy, non-English speaking customers, the increasing globalization of the economy, and the types and numbers of employees needing skills training.

LABOR LAW SERVICES

The Agency anticipates that adaptations will be made to accommodate non-English speaking employees and employers. It is probable that interpreter services will be used and at least some DOLI staff will need to learn to speak other languages, particularly Spanish. It may be necessary for the Agency to search more aggressively for bilingual employees.

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The Agency anticipates that increasing globalization and an improving economy will result in the creation of more small businesses, whose owners cannot afford to hire an attorney. At present, many small business owners contact DOLI's Labor and Employment Law Division with inquiries concerning labor and employment law issues. We anticipate that the numbers of these inquiries will increase.

The Agency anticipates that, as technology continues to advance, more inquiries will be received via the internet.

The Agency anticipates a continuing need to provide high-quality training for the officials of local schools who issue permits for 14 and 15 year olds who are to be employed.

The Agency anticipates that an aging public workforce and rising incomes in the private sector will make it more and more difficult to recruit and retain the highly skilled employees who are needed to staff the Labor and Employment Law Division. It will probably be necessary for more funds to be allocated for salaries.

VIRGINIA OCCUPATIONAL SAFETY AND HEALTH SERVICES

The Agency anticipates that strategies will be developed to provide services to a changing workforce. The Agency anticipates using the services of foreign language interpreters and training some staff to speak non-English languages (especially Spanish). The Agency also anticipates delivering services to a workforce that is more diverse in terms of age, gender, race, and nationality, and whose work products are increasingly services rather than goods. The Agency anticipates providing services to a smaller percentage of workers who are employed in large fixed industries, and to a higher percentage of workers employed in small firms, temporary jobs, or at home. We further anticipate adapting our services to assist employees whose work is contracted, outsourced, and part time. We anticipate that these trends will continue over the next several decades. We will need to develop different strategies to address these and other developing issues.

The Agency anticipates making adaptations to services based on changing workforce demographics, which will include a greater percentage of youth and older workers in the workforce. According to several sources on labor force trends, in the next decade, the youth population, ages 16 to 24, is expected to increase as a share of the workforce, the 25 to 54 age group is expected to decline, and the 55 and over age group will grow the fastest. According to the National Institute on Occupational Safety and Health (NIOSH), 80% of young people are employed at some point before they leave school. In addition, as the demand for skilled, experienced workers grows in the next two decades, older workers will become an increasingly vital labor resource. These demographic shifts influence occupational injury rates and, therefore, raise issues for VOSH's program strategies. For example, despite child labor laws that prohibit teens from engaging in the most dangerous occupations, they have a higher rate of injury per hour than adults. Older workers, on the other hand, have lower injury and illness rates than the labor force as a whole, although injured older workers generally take longer to return to work.

The Agency anticipates the need to develop products and services for immigrant and "hard-to-reach" workers and employers, who are also becoming more prevalent. We anticipate a need to develop outreach services for the many immigrant workers, who are often less English literate, unable to read English instructions, and who work in some of the most inherently dangerous jobs. In addition, we anticipate providing products to other hard-to-reach workers and employers, including youth workers, employees who work at a single location for only a few days before moving to a new location, temporary workers, and small business owners. The Agency anticipates that demographic and workplace trends will further complicate the implementation of occupational safety and health programs and will necessitate enforcement, training, and delivery systems that are very different from those upon which we

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have relied to date.

ASBESTOS AND LEAD SERVICES

The Agency anticipates that strategies will be developed to provide services to a changing workforce. The Agency anticipates using the services of foreign language interpreters and training some staff to speak non-English languages (especially Spanish). We also anticipate a need to develop outreach services for the many immigrant workers employed in the asbestos and lead abatement industry who are often less English literate and unable to read English instructions.

BOILER AND PRESSURE VESSEL SAFETY SERVICES

- Customer assistance requests are expected to increase as the economy continues to grow, our educational efforts succeed, and partnerships expand.
- State Inspectors performing inspections of boilers and pressure vessels 91 days past due will result in an increase of certificates issued and a reduction of overdue inspections.
- The number of inspection companies reporting inspections electronically is 20%. Any further increase of inspection companies utilizing electronic reporting will improve both efficiency and response time.
- The number of owners/users of boilers and pressure vessels speaking principally Korean or Spanish is increasing, especially in the area of small businesses. Response time will adversely increase as a result of communication challenges.

ADMINISTRATIVE AND SUPPORT SERVICES

Efforts and resources will be directed to addressing service issues to non-English speaking customers. Human Resource efforts will intensify to support recruitment, training/development and retention of professional program staff. Service area will continue to identify/research best practices and implement when feasible.

Agency Financial Resources Summary:

The Department of Labor and Industry's funding comes from State General Fund Appropriation (56%), Federal Funds from U. S. Department of Labor (36%), and Special Revenue Funds (8%) from various sources including Indirect Cost Recoveries, Asbestos Project Permit Fees, Consultation Grant Agreement Matching Funds, and Registration fees for Annual Safety and Health Conference.

	<u>Fiscal Year 2007</u>		<u>Fiscal Year 2008</u>	
	General Fund	Nongeneral Fund	General Fund	Nongeneral Fund
Base Budget	\$6,870,186	\$5,378,737	\$6,870,186	\$5,378,737
Changes To Base	\$552,425	\$584,425	\$545,447	\$583,525
AGENCY TOTAL	\$7,422,611	\$5,963,162	\$7,415,633	\$5,962,262

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Agency Human Resources Summary:

Human Resources Overview

Human Resource Summary:

As of July 10, 2005, the Department of Labor and Industry (DOLI) has an authorized FTE level of 180 with 172 positions filled and 8 vacancies. DOLI has 4 Regional Offices in Roanoke, Richmond, Norfolk and Manassas and 4 Field Offices in Lynchburg, Abingdon, Verona, and Winchester. There are 6 major service areas: Apprenticeship Program, Labor Law Services, Boiler and Pressure Vessel Safety Services, Virginia Occupational Safety and Health Services, Asbestos and Lead Services, and Administrative and Support Services. We utilize 27 Role Codes with the most staff in Compliance Safety Officer III and Compliance Safety Officer IV. Most of our positions require field work using a state vehicle or a private vehicle; but when not engaged in field work, these employees are expected to report to the appropriate regional or field office.

DOLI has faced and will continue to face turnover and recruiting difficulties. Since Virginia's economy is strong, it is difficult to attract and retain competent employees with our current wage constraints.

Full-Time Equivalent (FTE) Position Summary

Effective Date:	7/10/2005
Total Authorized Position level	180
Vacant Positions	8
Non-Classified (Filled).....	1
Full-Time Classified (Filled)	171
Part-Time Classified (Filled)	0
Faculty (Filled)	0
Wage	13
Contract Employees	0
Total Human Resource Level	185

Factors Impacting Human Resources

Language Barriers: There has been a significant increase in non-English speaking employees in the workforce that the Agency serves. DOLI employees who perform field work will need to be trained in other languages or have greater access to Language Line and translators.

The Aging Workforce: The median age of DOLI employees is 49, and 14 employees are currently eligible for full retirement. In the next 5 years, 24 will be eligible.

Retention of Qualified Employees: DOLI, through Federal Occupational Safety and Health, provides extensive training to our Safety and Health staff. Once they are fully trained, they have very marketable skills that are applicable in private industry. Private industry has a much higher pay scale for comparable positions. Through additional funding, DOLI may be able to retain more employees through performance increases and rewards and recognition.

Apprenticeships: DOLI is instituting formal apprenticeships to ensure highly trained employees with a strong skill set.

Strong Economy: As the economy improves, there will be more construction and manufacturing

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positions, which will increase the workload for all of our divisions. HR must serve as a liaison with field staff to identify areas that can make the field staff more efficient and effective.

Anticipated Changes in Human Resources

A high turnover rate will increase the costs for recruitment and training. The new apprenticeships may address these issues, but it will require funding.

The continuation of the free training seminars by DHRM will allow employees to attend courses which will assist them in preparing for upward mobility.

Retention of competent employees will be critical to the continuity of agency services. Additional funding and flexibility to the rewards and recognition program will assist in this effort.

Agency Information Technology Summary:

Current State / Issues

- DOLI programs and administration are supported by customized business applications. Each application provides Agency programs business functionality to comply with statutory responsibilities and best management practices.
- The Agency employs three Federal applications. Two of these are aging Federal OSHA systems to support our VOSH program. Both have hardware and software that are obsolete and the functionality of these applications do not conform to more recent best practices for efficiency. The third application is a PC based application that is currently being threatened by economic budgetary constraints.
- Support of Federal applications continues to decline.
- The Agency continues to struggle with affordable telecommunication infrastructure issues.
- DOLI state program applications are deployed in a client-server environment.
- Each state program software application is deployed with the most current version of the vendor software for the client-server environment.
- The impact of the Private-Public Education Facilities and Infrastructure Act has not yet been determined.
- The Agency has one web-based application supported by a third party vendor.
- DOLI provides ready access to Agency programmatic information via the DOLI website.

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Factor Impacting Information Technology

- DOLI customers are expecting to transact more programmatic and financial business with DOLI across automated systems. This will require DOLI to expand electronic government services.
- Increased IT security requirements, state technology mandates and restricted Federal support of VOSH systems continue to be a challenge for the Agency.
- Agency customers are requesting ready-access to information.
- DOLI will continue to meet the changing business and regulatory requirements of Agency programs by providing state of the art technology.
- The Agency continues to struggle with compliance of best business practices.

Anticipated Changes / Desired State

- DOLI will develop long-term business solutions to enhance or replace existing IT systems.
- DOLI anticipates overwhelming state and agency support requirements for VOSH applications. This is due to a reduction in staffing by Federal DOL.
- The Agency will need to develop contingency applications in support of the Boiler/Pressure Vessel Division and VOSH.
- Increased e-commerce requirements.

Agency Information Technology Investments:

	<u>Cost-Fiscal Year 2007</u>		<u>Cost-Fiscal Year 2008</u>	
	General Fund	Nongeneral Fund	General Fund	Nongeneral Fund
Major IT Projects	\$0	\$0	\$0	\$0
Non-Major IT Projects	\$0	\$0	\$0	\$0
Major IT Procurements	\$0	\$0	\$0	\$0
Non-Major IT Procurements	\$0	\$0	\$0	\$0
Totals	\$0	\$0	\$0	\$0

Agency Goals

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Department of Labor and Industry

Goal #1:

Provide for safe, healthy, and productive workplaces for Virginia workers, businesses, and general public.

Goal Summary and Alignment:

DOLI's first goal, of providing safe, healthy, and productive workplaces for Virginia workers, businesses, and the general public, preserves and enhances the economy in a number of ways. First of all, this goal supports keeping workers and the general public safe and healthy. Obviously, healthy workers are able to continue working and earning an income, which is returned to the economy as these workers purchase goods and services, secure housing and other necessities, etc. Healthy workers who work in safe environments are more likely to be willing to work, a circumstance that maintains the ready and conscientious workforce which influences many employers to locate and remain in Virginia.

In addition, safe and healthy workplaces are cost-efficient to the employer. When work-related injuries, illnesses and fatalities occur, there are associated expenses, such as workmen's compensation for workers injured on-the-job. Those associated expenses can eat up the profits of a business.

This goal also supports Virginians in living healthy lives, which again protects the profits of businesses. Healthier workers are less likely to miss work. When employees miss work, this can cut into the profits of the business.

Finally, this goal protects the public's safety. The stated goal, of providing safe, healthy and productive workplaces for workers, businesses and the general public, describes the Agency's work in protecting children who work, regulating boilers and pressure vessels, and protecting employees in both high-hazard occupations and the asbestos removal/encapsulation industry to prevent fatalities, injuries, and illnesses.

Statewide Goals Supported by Goal #1

- Be a national leader in the preservation and enhancement of our economy.
- Engage and inform citizens to ensure we serve their interests.
- Protect the public's safety and security, ensuring a fair and effective system of justice and provide a prepared response to emergencies and disasters of all kinds.

Goal #2:

Enhance the development of highly skilled workers for Virginia's economy.

Goal Summary and Alignment:

Virginia's registered apprenticeships elevate levels of educational preparedness and the attainment of citizens. The goal of enhancing the development of highly skilled workers for Virginia's economy describes the purpose of registered apprenticeship programs, which serve to train skilled workers who will earn reasonable incomes and provide a skilled workforce for employers. The incomes earned by these skilled workers will reenter the economy as they purchase goods and services, secure housing, and pay taxes. The profits earned by employers will likewise benefit the economy as they are enabled to build their businesses and provide continued employment to workers.

Statewide Goals Supported by Goal #2

- Elevate the levels of educational preparedness and attainment of our citizens.
- Be a national leader in the preservation and enhancement of our economy.

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Goal #3:

Protect children from serious injury or death while employed.

Goal Summary and Alignment:

DOLI's goal of protecting children from serious injury or death while employed is vital to safeguarding the future of the Commonwealth because our children are our most precious natural resource. They are the future of our state and our nation. It is today's children who will be the leaders, the voters, the decision-makers, the employees and employers of tomorrow.

Pursuing the goal of protecting children from serious injury or death while employed preserves and enhances our economy. Protecting children in this way makes possible their future participation in the economy as workers, employers, and consumers. If we carelessly discard the lives and health of our children by not protecting them, we will lose the potential achievements and contributions of these young people to our nation and state, our culture, and our economy.

Statewide Goals Supported by Goal #3

- Be a national leader in the preservation and enhancement of our economy.
- Inspire and support Virginians toward healthy lives and strong and resilient families.
- Protect the public's safety and security, ensuring a fair and effective system of justice and provide a prepared response to emergencies and disasters of all kinds.

Goal #4:

Provide efficient resolution of wage issues.

Goal Summary and Alignment:

DOLI's goal of providing efficient resolution of wage issues preserves and enhances the economy. Workers should be paid for work they have done. When paid for their work, workers return money to the economy by purchasing goods and services, securing housing, and paying taxes. When Virginia's workers have a reasonable expectation of being paid for their work, they will be more willing to work, and they will be more productive. In addition, resolving payment of wage issues preserves and enhances the economy by benefiting honest employers and businesses. It makes sound economic sense to ensure that workers are paid for work that they have done and that honest employers are protected from false allegations of unpaid wages.

Statewide Goals Supported by Goal #4

- Be a national leader in the preservation and enhancement of our economy.

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Goal #5:

Provide excellent customer service through the effective performance of DOLI personnel.

Goal Summary and Alignment:

The goal of providing excellent customer service through the effective performance of DOLI personnel supports Virginia's long-term objective of being recognized as the best managed state in the nation. That is the goal of DOLI's staff, as well. The employees of the Virginia Department of Labor and Industry consistently seek to provide services in the most efficient and courteous way possible. They attempt to stay ahead of trends, while, at the same time, making use of creative and innovative approaches. In addition, as DOLI staff achieve the goal of providing excellent customer service, they will be furthering the following Long-Term State Objectives for Virginia:

- Be a national leader in the preservation and enhancement of our economy.
- Engage and inform citizens to ensure that we serve their interests.
- Elevate the levels of educational preparedness and attainment of our citizens.
- Inspire and support Virginians toward healthy lives.

Finally, in achieving the goal of providing excellent customer service, DOLI staff will work toward protecting the public's safety and security in the workplace, in public places where asbestos removal/encapsulation occurs, and in places in which boilers/pressure vessels are located. The Agency's staff responds to reports of fatalities, injuries, and illnesses which occur in high-hazard industries, as well as investigating complaints of unsafe practices in these same industries. In cases which involve criminal actions, DOLI staff pursue a fair and just solution through the judicial system. Thus, although DOLI is not designated as a law-enforcement agency, we actually do enforce laws and regulations that keep people safe in Virginia.

Statewide Goals Supported by Goal #5

- Elevate the levels of educational preparedness and attainment of our citizens.
- Be a national leader in the preservation and enhancement of our economy.
- Engage and inform citizens to ensure we serve their interests.
- Be recognized as the best-managed state in the nation.
- Inspire and support Virginians toward healthy lives and strong and resilient families.
- Protect the public's safety and security, ensuring a fair and effective system of justice and provide a prepared response to emergencies and disasters of all kinds.